

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO
RICHARD W. WILKING
CLERK, NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 08 v. 043

PJH

JEREMY CRUZ ESPERANTE

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 2252(a)(2) - Distribution of Child Pornography;
18 U.S.C. § 2252 (a)(2) - Receipt of Child Pornography;
18 U.S.C. § 2252(a)(2) - Possession of Child Pornography; and
18 U.S.C. § 2253(a)(1)-(3) - Sexual Exploitation of
Children Criminal Forfeiture

A true bill.

Paul J. Taylor

Foreman

Filed in open court this 1st day of

July, 2008

BRENDA TOLBERT

Maria Elena James

Maria Elena James

Clark

Bail, \$

No Bail and waives

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED**OFFENSE CHARGED**

18 U.S.C. § 2252(a)(2) -- Distribution of Child Pornography; 18 U.S.C. § 2252(a)(2) -- Receipt of Child Pornography; 18 U.S.C. § 2252(a)(4) -- Possession of Child Pornography; 18 U.S.C. § 2253(a)(1)-(3) -- Criminal Forfeiture

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

See Attachment A

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)
 Immigration and Customs Enforcement

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocsecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

Joseph P. Russoniello

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

Tarek J. Helou

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS* WARRANT Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

0431**DEFENDANT****PJH****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ATTACHMENT A TO PENALTY SHEET

UNITED STATES v. JEREMY CRUZ ESPERANTE

Penalties:

Count One: 18 U.S.C. § 2252(a)(2) (distribution of child pornography):

- Maximum prison term of 20 years (minimum prison term of five years);
- Maximum fine of \$250,000;
- Maximum lifetime supervised release (minimum five years of supervised release); and
- Mandatory special assessment of \$100.

Count Two: 18 U.S.C. § 2252(a)(2) (receipt of child pornography):

- Maximum prison term of 20 years (minimum prison term of five years);
- Maximum fine of \$250,000;
- Maximum lifetime supervised release (minimum five years of supervised release); and
- Mandatory special assessment of \$100.

Count Three: 18 U.S.C. § 2252(a)(4) (possession of child pornography):

- Maximum prison term of 10 years;
- Maximum fine of \$250,000;
- Maximum lifetime supervised release (minimum five years of supervised release); and
- Mandatory special assessment of \$100.

Forfeiture: 18 U.S.C. § 2253(a)(1)-(3):

- Forfeiture of items identified in the indictment.

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

FILED

08 JUL -1 PM 1:18

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR 08

0431

PJH

12 UNITED STATES OF AMERICA,

No.

13 Plaintiff,

VIOLATIONS:

14 v.

15 JEREMY CRUZ ESPERANTE,
16 Defendant.
17
18 SAN FRANCISCO VENUE

18 U.S.C. § 2252(a)(2) – Distribution of
Child Pornography; 18 U.S.C. § 2252(a)(2)
– Receipt of Child Pornography; 18 U.S.C. §
2252(a)(4) – Possession of Child
Pornography; and 18 U.S.C. § 2253(a)(1)-
(3) – Sexual Exploitation of Children
Criminal Forfeiture

20 INDICTMENT

21 The Grand Jury charges:

22 COUNT ONE: 18 U.S.C. § 2252(a)(2) – Distribution of Child Pornography

23 On or about February 5, 2008, in the Northern District of California, the defendant,

24 JEREMY CRUZ ESPERANTE,

25 did knowingly reproduce at least one visual depiction for distribution in interstate and foreign
26 commerce, knowing that the production of such visual depiction involved a minor engaging in
27 sexually explicit conduct, and that such visual depiction was of such conduct, in violation of Title
28 18, United States Code, Section 2252(a)(2).

INDICTMENT

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1 COUNT TWO: 18 U.S.C. § 2252(a)(2) – Receipt of Child Pornography

2 Beginning on a date no earlier than May 23, 2007 and continuing until a date no later than
3 February 5, 2008, in the Northern District of California, the defendant,

4 JEREMY CRUZ ESPERANTE,

5 did knowingly receive at least one visual depiction that had been mailed, shipped, and transported
6 in interstate commerce by any means including by computer, knowing that the production of such
7 visual depiction involved a minor engaging in sexually explicit conduct, and that such visual
8 depiction was of such conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

9 COUNT THREE: 18 U.S.C. § 2252(a)(4) – Possession of Child Pornography

10 On or about February 5, 2008, in the Northern District of California, the defendant,

12 JEREMY CRUZ ESPERANTE,

13 did knowingly possess one Toshiba laptop, serial number 27114399K, model number
14 A135-S4467, containing visual depictions that had been shipped and transported in interstate and
15 foreign commerce and that were produced using materials that had been shipped and transported
16 in interstate and foreign commerce, knowing that such Toshiba laptop contained visual depictions,
17 and knowing that the production of such visual depictions involved a minor engaging in sexually
18 explicit conduct, and that such visual depictions were of such conduct, in violation of Title 18,
19 United States Code, Section 2252(a)(4)(B).

20 FORFEITURE ALLEGATIONS: 18 U.S.C. § 2253(a)(1)-(3) – Sexual Exploitation of
Children; Criminal Forfeiture

22 Upon conviction of an offense alleged in Count One, Count Two, or Count Three, the
23 defendant,

24 JEREMY CRUZ ESPERANTE,

25 shall forfeit to the United States, under Title 18, United States Code, Section 2253(a)(1)-(3), all
26 visual depictions described in Title 18, United States Code Section 2252 and all property, real and
27 personal, used or intended to be used to commit or promote the commission of the offenses of

28 //

1 conviction, including but not limited one Toshiba laptop, serial number 27114399K, model
2 number A135-S4467 that was seized from defendant on February 5, 2008.

3

4 DATED:

A TRUE BILL.

5 
6 FOREPERSON

7 JOSEPH P. RUSSONIELLO
United States Attorney

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9 
10 KYLE F. WALDINGER
DEPUTY Chief, Major Crimes Section

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12 (Approved as to form: 
AUSA HELOU

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